REMARKS

Claims 37-76 are pending in the application. Claims 50-55, 57, and 59-76 were withdrawn from consideration pursuant to a restriction requirement, leaving claims 37-49, 56, and 58 subject to examination. Claim 37 was allowed and claims 39, 40, and 49 were objected to. Claims 38 and 41-48 were rejected under 35 U.S.C. § 112, second paragraph; claim 58 was rejected under 35 U.S.C. § 101; and claims 56 and 58 were rejected under 35 U.S.C. § 102(b). The objections and each of the rejections is addressed below, after a request for reconsideration of the prior Restriction Requirement.

Restriction Requirement

Applicants request reconsideration of the Restriction Requirement, mailed on July 5, 2007. In particular, in the Restriction Requirement, the inventions listed in Groups I-XIII were indicated as not relating to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lacked the same or corresponding technical feature in view of Fitch, Circulation 100:2499-2506, 1999. The Examiner stated that the teachings of Fitch were commensurate with the scope of claim 56 and, thus, that the claims were not linked by a special technical feature so as to constitute a single inventive concept.

As noted above, claim 56 has been amended to specify the antibody of claim 37, which has been allowed and specifies a human antibody, in contrast to the humanized antibody of Fitch. As the teachings of Fitch are no longer commensurate with the scope of claim 56, Applicants request reconsideration of the Restriction Requirement between Groups I-XIII.

In the event that the above request is not successful, Applicants further request rejoinder

of claims 60, 62, 64, and 66. As noted above, claim 60 (from which claims 62, 64, and 66 depend), a method claim, as been amended to depend from (and thus include the limitations of) claim 37, which is an allowed product claim. Claim 60 also depends from claim 56 which, in specifying a composition comprising the human antibody of claim 37, Applicants submit is now allowable. In view of these amendments, Applicants submit that it is proper to rejoin claims 60, 62, 64, and 66, and such action is respectfully requested.

Claim Objections

Claims 38-49 were objected to for not including an article at the beginning of each of these claims. The objection has been met by the amendments to claim 39-49, above (claim 38 has been canceled).

Rejections under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101

Claims 38, 41-48, and 58 were rejected under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101 on several grounds, which are addressed below.

Claim 38 was rejected for indefiniteness under 35 U.S.C. § 112, second paragraph for specifying a C5 component of mouse, rat, or rabbit, while the sequence in claim 37, from which claim 38 depends, specifies a human sequence (SEQ ID NO:15). This rejection has been met by cancellation of claim 38.

Claim 41 was rejected for indefiniteness under 35 U.S.C. § 112, second paragraph rejected for including both broad recitations (i.e., lambda chain, kappa chain, and VH3 region), as well as narrower statements of the range/limitations (i.e., Vλ3/V2-14, Vκ4/DPK24, and

VH3/V-48). This rejection has been met by the present amendment to claim 41, by which the narrower statements of the range/limitations have been deleted from the claim. The narrower statements have been added in new dependent claims 78-79.

Claim 58 was rejected under 35 U.S.C. § 101 for specifying use of the composition of claim 56, without setting forth any steps involved in a method or process for carrying out this use. Claim 58 has herein been amended to specify that the composition of claim 56 is for myocardium reperfusion, which further specifies characteristics of the composition, rather than use of the composition in a method.

In view of the above, Applicants request that the rejections under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101 be withdrawn.

Rejection under 35 U.S.C. § 102(b)

Claims 56 and 58 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fitch, Circulation 100:2499-2506, 1999, which the Examiner states teaches a humanized antibody that blocks the conversion of activated human C5 to C5a and C5b. As is noted above, claim 56 (from which claim 58 depends) has been amended to specify the antibody of claim 37, which has been allowed and specifies a human antibody. Thus, as claim 56 now specifies a composition comprising a human antibody, and not a humanized antibody, as taught by Fitch, Applicants request that this rejection be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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